THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 11865 OF2006:

Dated 6th July, 2006.

Between
D.Satyanarayana ….petitioner

And

The President/Appellate Forum,
Nalgonda District Coop.Central Bank Limited, Nalgonda and anr.

…..Respondents.

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 11865 OF2006:

ORDER:

The petitioner, who worked as Assistant Manager in the Nalgonda District Cooperative Central Bank Limited, Nalgonda, has filed this Writ Petition questioning the proceedings No.Estt/Accounts.1/F.74/94-95, dated 25-7-2005 issued by the second respondent.

Certain disciplinary proceedings were initiated against the petitioner, on the ground that when he was working as Assistant Manager, he committed financial irregularities causing financial loss to the assets of the bank, which constitute misconduct. On that ground, the petitioner was placed under suspension when he was in service and enquiry was conducted, and, in the disciplinary proceedings, final orders were passed by the General Manager in proceedings No.Estt/Accounts.1/F.74/94-95, dated 25-7-2005 fixing the financial liability of Rs.49,106/- with interest at the rate of 16%. Further, fine of Rs.5000/- was imposed against the petitioner, by

treating the period of suspension from 19-8-2004 to 31-1-2005 as on earned leave.

It is stated in the affidavit filed in support of the Writ Petition that against the impugned order passed by the General Manager, the petitioner has filed appeal as provided under Bye-laws, but, however, the appellate authority has not considered the appeal.

Counter affidavit is filed on behalf of the respondent, in which it is stated that entire liability fixed against the petitioner is worked out to Rs.63,485/- and an amount of Rs.49,237/- was recovered from out of leave salary and GSLI amount and the balance amount of Rs.14,248, has been remitted by the petitioner by issuing SB Account withdrawal slips in favour of the Bank. It is further stated in the counter affidavit that the petitioner has handed over the appeal in the Inward Section on 31-3-2006 and the same has not yet been sent to Establishment Section.

It is not in dispute that the petitioner has preferred appeal before the appellate forum on 31-3-2006. As much as the petitioner has already preferred appeal, at the same time, parallelly he cannot question the same before this Court in a Writ Petition filed under Article 226 of the Constitution of India. As much as the appeal preferred by the petitioner is pending consideration, I dispose of the Writ Petition directing the first respondent to consider and dispose of the appeal, in accordance with law, within a period of three months from the date of receipt of this order.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED:06-07-2006.
Msnr.